

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

SEARS HOLDINGS CORPORATION, *et al.*,

Debtors.

Chapter 11

Case No. 18-23538 (RDD)

(Jointly Administered)

**CERTIFICATE OF NO OBJECTION REGARDING CLASS
REPRESENTATIVES' MOTION TO EXTEND APPLICATION OF
FEDERAL RULE OF PROCEDURE 23 TO CLASS PROOFS OF CLAIM**

TO THE HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE:

Pursuant to 28 U.S.C. § 1746 and Rule 9075-2 of the Local Bankruptcy Rules for the Southern District of New York, the undersigned hereby certifies as follows:

1. On April 12, 2019, Movants/Class Representatives Nina and Gerald Greene (the "Movants") filed and served their *Motion to Extend Application of Federal Rule of Civil Procedure 23 to Class Proofs of Claim* [ECF No. 3170] (the "Motion").
2. The Movants served the Motion as reflected in the certificate of service filed at ECF No. 3176.
3. The Motion established an objection deadline (the "Objection Deadline") of May 14, 2019 at 4:00 PM ET.
4. The Objection Deadline has passed and, to the best of my knowledge, no objection, responsive pleading, or request for hearing with respect to the Motion has been (a) filed with the Court on the docket of the above-captioned case, or (b) served on counsel to the Movants.

5. A proposed order granting the relief requested in the Motion is attached hereto as Exhibit A (the “Proposed Order”).

6. Pursuant to Local Rule 9075-02 and the Court’s *Amended Order Implementing Certain Notice and Case Management Procedures* [ECF No. 405] (the “Amended Case Management Order”), the Movants request entry of the Proposed Order granting the relief requested in the Motion.

7. Pursuant to the Amended Case Management Order, ¶ 36(ii), Kaufman, Coren & Ress, P.C., served a copy of this Certificate of No Objection via e-mail upon counsel for the Debtors and the Creditors’ Committee prior to submission to the Court.

I declare that the foregoing is true and correct.

Dated: May 16, 2019
New York, New York

Respectfully submitted,

/s/ James P. Pagano
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Attorneys for Movants

EXHIBIT A

Proposed Order

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

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Case No. 18-23538 (RDD)

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**ORDER GRANTING MOTION TO EXTEND APPLICATION OF
FEDERAL RULE OF PROCEDURE 23 TO CLASS PROOFS OF CLAIM**

Upon the unopposed *Motion to Extend Application of Federal Rule of Civil Procedure 23 to Class Proofs of Claim* [ECF No. 3170] (the “Motion”) filed April 12, 2019 by Nina and Gerald Greene (the “Movants”); and the Court having found that it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having found that venue of the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the Movants provided appropriate notice of the Motion and that no other notice or hearing is required; and, after due deliberation, this Court having determined that the legal and factual bases set forth in the Motion establish sufficient cause for the relief granted therein, it is hereby ORDERED that:

1. The Motion is granted as set forth herein.
2. Pursuant to Federal Rules of Bankruptcy Procedure 7023 and 9014, the Court hereby authorizes the application of Federal Rule of Civil Procedure 23 to the following proofs of claim filed by the Movants: (i) Claim No. 14323, against Sears, Roebuck and Co.; (ii) Claim No. 14256, against Sears Protection Company; and (iii) Claim No. 14252, against Sears Holdings Corporation.

3. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: _____, 2019
White Plains, New York

THE HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE